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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-201*

13 **RHONDA LYNN TAFFER**
715 Smokey Crossing Way
Seymour, TN 37865

A C C U S A T I O N

14 **Registered Nurse License No. 752959**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about June 26, 2009, the Board issued Registered Nurse License Number
23 752959 to Rhonda Lynn Taffer ("Respondent"). Respondent's registered nurse license was in full
24 force and effect at all times relevant to the charges brought herein and will expire on June 30,
25 2013, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . .

11

12 (4) Denial of licensure, revocation, suspension, restriction, or any other
13 disciplinary action against a health care professional license or certificate by another
14 state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action . . .

15 COST RECOVERY

16 6. Code section 125.3 provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licensee found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case.

20 CAUSE FOR DISCIPLINE

21 (Disciplinary Actions by the Arizona State Board of Nursing and 22 the Washington Nursing Care Quality Assurance Commission)

23 7. Respondent is subject to disciplinary action pursuant to Code section 2761,
24 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined
25 by the Arizona State Board of Nursing ("Arizona Board") and the Washington Nursing Care
26 Quality Assurance Commission ("Washington Commission") as follows:

27 a. On or about September 22, 2010, pursuant to Findings of Fact, Conclusions of Law
28 and Order No. 0908055 in the disciplinary action titled "In the Matter of Registered Nurse

1 License No. RN156985 issued to: Rhonda Lynn Taffer”, the Arizona Board revoked
2 Respondent’s license to practice as a registered nurse in the state of Arizona for testing positive
3 for marijuana on August 13, 2009, on a pre-employment drug screen. A true and correct copy of
4 Findings of Fact, Conclusions of Law and Order No. 0908055 is attached as **exhibit A** and
5 incorporated herein.

6 b. On or about March 3, 2011, pursuant to the Ex Parte Order of Summary Suspension
7 in the disciplinary action titled “In the Matter of: Rhonda L. Taffer, Credential No.
8 RN.RN.60099816”, the Washington Commission summarily suspended Respondent’s credential
9 to practice as a registered nurse in the state of Washington pending further disciplinary
10 proceedings. The Commission’s action was based on the Arizona Board’s disciplinary
11 proceeding set forth in subparagraph (a) above. In or about April 2011, pursuant to the Findings
12 of Fact, Conclusions of Law, and Final Order of Default in the disciplinary proceeding titled “In
13 the Matter of Rhonda L. Taffer, Credential No. RN.RN.60099816”, Case No. M2011-423, the
14 Washington Commission indefinitely suspended Respondent’s credential to practice as a
15 registered nurse in the state of Washington. True and correct copies of the Ex Parte Order of
16 Summary Suspension and Findings of Fact, Conclusions of Law, and Final Order of Default are
17 attached as **exhibit B** and incorporated herein.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 752959, issued to Rhonda
22 Lynn Taffer;

23 2. Ordering Rhonda Lynn Taffer to pay the Board of Registered Nursing the reasonable
24 costs of the investigation and enforcement of this case, pursuant to Business and Professions
25 Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: SEPTEMBER 25, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Findings of Fact, Conclusions of Law and Order No. 0908055

ARIZONA STATE BOARD OF NURSING
4747 North 7th Street, Ste 200
Phoenix, Arizona 85014-3655
602-771-7800

IN THE MATTER OF REGISTERED NURSE
LICENSE NO. RN156985
ISSUED TO:

RHONDA LYNN TAFFER,

Respondent.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER NO. 0908055

On September 22, 2010, the Arizona State Board of Nursing ("Board") considered the State's Motion to Deem Allegations Admitted and Recommended Discipline and Respondent's Response to the Motion, if any, at the Arizona Board of Nursing, 4747 North 7th Street, Suite 200, Phoenix Arizona 85014-3655. Nina Zimmerman, Assistant Attorney General, appeared on behalf of the State.

Respondent was not present and was not represented by counsel.

On September 22, 2010, the Board granted the State's Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-1663(F) and Notice of Charges No. 0908055 filed in this matter, the Board adopts the following Findings of Fact, Conclusions of Law, and **REVOKES** Respondent's license.

FINDINGS OF FACT

1. RHONDA LYNN TAFFER ("Respondent") holds Board issued registered nurse license number RN156985.

2. The Board has authority pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664 to impose disciplinary sanctions against the holders of nursing licenses for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to -1667.

3. On or about August 19, 2009, the Board received a complaint, from Jennifer H. Seidenberg, RN, Employee Health, Flagstaff Medical Center and Carol Tuttas, RN, Clinical Liaison;

1 Cross Country Staffing, that on or about August 13, 2009, Respondent tested positive on a pre-
2 employment drug screen for marijuana, which resulted in the termination of Respondent's travel
3 assignment with Flagstaff Medical Center (FMC).

4
5 4. From in or about August 2009 to present, Respondent worked as a travel nurse with
6 Cross Country Staffing.

7 5. On August 4, 2009, a ten-panel urine drug test was performed and the urine specimen
8 was dilute and untestable. Another ten-panel urine specimen was obtained on August 11, 2009, but
9 the urine specimen was again dilute and untestable.

10
11 6. On or about August 12, 2009, Respondent was notified that a third drug screen would
12 need to be obtained because of the two previous dilute specimens. On August 13, 2009, Respondent
13 submitted to a third ten-panel drug screen, which was positive for marijuana.

14
15 7. On the Respondent Questionnaire received September 5, 2009, Respondent denied she
16 has ever used marijuana and stated that she cannot explain the results of the drug tests she submitted
17 to FMC.

18
19 8. On or about March 30, 2010 and April 2, 2010, Board staff left voice messages at
20 Respondent's telephone number of record with the Board. Respondent failed to respond.

21 9. On or about April 2, 2010, Board staff sent a letter to Respondent's address of record
22 requesting that Respondent contact the Board. Respondent failed to respond.

23 10. On or about April 10, 2010, Board correspondence sent to Respondent's Address of
24 Record was returned by the U.S. Postal Service marked unable to forward.
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CONCLUSIONS OF LAW

1. Pursuant to A.R.S. § 32-1663(D), the Board may discipline a nurse who has committed an act of unprofessional conduct.

2. The conduct and circumstances described in the Findings of Fact constitute unprofessional conduct pursuant to A.R.S. § 32-1601(16)(d)¹ (Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public) (effective May 2, 2002)

3. The conduct and circumstances described in Findings of Fact constitute conduct or practice that is or might be harmful or dangerous to the health of a patient or the public pursuant to A.A.C. R4-19-403(B)(18) (Conduct or practice that is or might be harmful or dangerous to the health of a patient or the public includes obtaining, possessing, administering, or using any narcotic, controlled substance, or illegal drug in violation of any federal or state criminal law, or in violation of the policy of any health care facility, school, institution, or other work location at which the nurse practices) (effective February 2, 2009)

4. The conduct and circumstances described in Findings of Fact constitute conduct or practice that is or might be harmful or dangerous to the health of a patient or the public pursuant to A.A.C. R4-19-403(B)(31) (Conduct or practice that is or might be harmful or dangerous to the health of a patient or the public includes practicing in any manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed)

5. The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664 (N) to suspend or revoke the license of Rhonda Lynn Taffer to practice as a registered nurse in the State of Arizona.

¹ Effective May 9, 2002.

1 ORDER

2 In view of the above Findings of Fact and Conclusions of Law, the Board issues the following
3 Order:

4 Pursuant to A.R.S. § 32-1664(N), the Board hereby **REVOKES** registered nurse license
5 number RN156985 issued to Rhonda Lynn Taffer.
6

7 RIGHT TO PETITION FOR REHEARING OR REVIEW

8 Pursuant to A.R.S. § 41-1092.09, Respondent may file, in writing, a motion for rehearing
9 or review within 30 days after service of this decision with the Arizona State Board of Nursing.
10 The motion for rehearing or review shall be made to the attention of Vicky Driver, Arizona State
11 Board of Nursing, 4747 North 7th Street Ste 200, Phoenix AZ 85014-3655, and must set forth
12 legally sufficient reasons for granting a rehearing. A.A.C. R4-19-608.
13

14 For answers to questions regarding a rehearing, contact Vicky Driver at (602) 771-7852.
15 Pursuant to A.R.S. § 41-1092.09(B), if Respondent fails to file a motion for rehearing or review
16 within 30 days after service of this decision, Respondent shall be prohibited from seeking judicial
17 review of this decision.
18

19 This decision is effective upon expiration of the time for filing a request for rehearing or
20 review, or upon denial of such request, whichever is later, as mandated in A.A.C. R4-19-609.
21

22 Respondent may apply for reinstatement of said license pursuant to A.A.C. R4-19-404 after a
23 period of five years.

24 DATED this 22nd day of September, 2010.

25
26 SEAL

ARIZONA STATE BOARD OF NURSING

27 *Joey Ridénour R.N.M. Faan*

28 Joey Ridénour, R.N., M.N., F.A.A.N.
29 Executive Director

COPIES mailed this 30th day of September, 2010, by Certified Mail No. 7009 0080 0000 0431 2112
and First Class Mail to:

Rhonda Lynn Taffer
1804 Silver Branch Blvd
Orlando FL 32822

COPIES mailed this 30th day of September, 2010, by First Class Mail to:

Nina Zimmerman
Assistant Attorney General
1275 W Washington
Phoenix AZ 85007

By: Vicky Driver

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EXHIBIT B

**Ex Parte Order of Summary Suspension and
Findings of Fact, Conclusions of Law, and Final Order of Default**

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION**

In the Matter of:

RHONDA L. TAFFER,
Credential No. RN.RN.60099816,

Respondent.

Master Case No. M2011-423

EX PARTE ORDER OF
SUMMARY SUSPENSION

PRESIDING OFFICER: Frank Lockhart, Health Law Judge

On March 3, 2011, this matter came before the Presiding Officer on delegation by the Nursing Care Quality Assurance Commission (Commission) on an Ex Parte Motion for Order of Summary Action (Ex Parte Motion) brought by the Nursing Program of the Department of Health (Department) through the Office of the Attorney General. The Department issued a Statement of Charges alleging Respondent violated RCW 18.130.180(5). The Presiding Officer, after reviewing the Statement of Charges, Ex Parte Motion, and supporting evidence, grants the motion. CREDENTIAL SUSPENDED pending further action.

I. FINDINGS OF FACT

1.1 Respondent is a registered nurse, credentialed by the state of Washington at all times applicable to this matter.

1.2 The Department issued a Statement of Charges alleging Respondent violated RCW 18.130.180(5). The Statement of Charges was accompanied by all other documents required by WAC 246-11-250.

EX PARTE ORDER OF
SUMMARY SUSPENSION

Page 1 of 4

Master Case No. M2011-423

1.3 On or about September 22, 2010, the Arizona State Board of Nursing (Arizona Board) revoked Respondent's credential to practice as a registered nurse. Respondent remains prohibited from practicing as a registered nurse in the state of Arizona.

1.4 The Department's Ex Parte Motion was accompanied by a sworn affidavit from Linda Patterson and a copy of the Finding of Fact, Conclusions of Law and Order No. 090855 before the Arizona Board entitled: In the Matter of Registered Nurse License No. RN156985 Issued to Rhonda Lynn Taffer.

1.5 The Arizona Board based its prohibition on a finding that Respondent tested positive on a pre-employment drug screen for marijuana. In Washington, that conduct would violate RCW 18.130.180(6) and (23)(b).

II. CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over Respondent's credential to practice as a registered nurse. RCW 18.130.040.

2.2. The Commission has designated summary action authority to the presiding officer in cases involving alleged violations of RCW 18.130.180(5).

2.3 RCW 18.130.180 defines unprofessional conduct as including:

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction.

RCW 18.130.370 states:

Any individual who applies for a license or temporary practice permit or holds a license or temporary practice permit and is prohibited from practicing a health care profession in another state because of an act of unprofessional conduct that is substantially equivalent to an act of unprofessional conduct prohibited by this chapter or any of the chapters specified in RCW 18.130.040 is prohibited from practicing a health care profession in this state until proceedings of the appropriate disciplining authority have been completed under RCW 18.130.050.

RCW 18.130.050(8) in its relevant part provides:

Consistent with RCW 18.130.370, a disciplining authority *shall* issue a summary suspension of the license or temporary practice permit of a license holder prohibited from practicing a health care profession in another state, federal, or foreign jurisdiction because of an act of unprofessional conduct that is substantially equivalent to an act of unprofessional conduct prohibited by this chapter or any of the chapters specified in RCW 18.130.040. The summary suspension remains in effect until proceedings by the Washington disciplining authority have been completed; (emphasis added).

2.4 The type of unprofessional conduct alleged in the Arizona disciplinary action is substantially equivalent to unprofessional conduct that is prohibited by Washington statute RCW 18.130.180(6) and (23)(b).

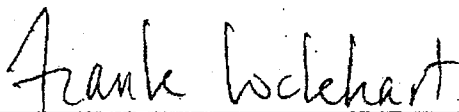
2.5 Summary suspension pending further proceedings is mandatory in cases where a respondent is prohibited from practicing in another state or foreign jurisdiction because of conduct that is substantially equivalent to an act of unprofessional conduct under Washington statute or regulation. A lesser restrictive alternative is not available. The Findings of Fact establish that the requested summary action is necessary, and legislatively mandated to protect public health, safety, or welfare.

III. ORDER

3.1 Based on the Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's credential to practice as a registered nurse is SUMMARILY SUSPENDED pending further disciplinary proceedings by the Commission. Respondent shall immediately deliver all credential(s), including wall, display, and/or wallet, if any, to the Department.

3.2 It is HEREBY ORDERED that a protective order in this case is GRANTED. All healthcare information and nonconviction data contained in the Ex Parte Motion, Declaration, and attached exhibits shall not be released except as provided in Chapter 70.02 RCW and Chapter 10.97 RCW. RCW 34.05.446(1), WAC 246-11-400(2) and (5).

Dated this 3 day of March, 2011.


FRANK LOCKHART, Health Law Judge
Presiding Officer

For more information, visit our website at <http://www.doh.wa.gov/hearings>.